

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ORELLANO REYEZ, et al.,

Plaintiffs,

-against-

JINMO PARK, et al.,

Defendants.  
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x

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15 Civ. 9221 (LAK)(AJP)

**REPORT & RECOMMENDATION**

**ANDREW J. PECK, United States Magistrate Judge:**

Presently before the Court is plaintiffs' motion for a default judgment against defendants Victor Treadwell and Justin Treadwell. (Dkt. Nos. 16, 19-21.)

The Treadwell defendants were properly served, by personal service, on November 9, 2015. (Dkt. No. 21: Linder Supp. Aff. ¶¶ 5-6 & Exs. F & I: Affs. of Personal Service.) Neither Treadwell has responded to the Complaint.

Accordingly, the Court should enter a default judgment against Victor Treadwell and Justin Treadwell.

Because the case remains against other defendants, the issue of damages will be decided either (1) in connection with the trial involving the other defendants, or (2) if all other defendants settle, at an inquest to be held thereafter.

**FILING OF OBJECTIONS TO THIS REPORT AND RECOMMENDATION**

Pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal Rules of Civil Procedure, the parties shall have fourteen (14) days from service of this Report to file written objections. See also Fed. R. Civ. P. 6. Such objections (and any responses to objections) shall be

filed with the Clerk of the Court, with courtesy copies delivered to the chambers of the Honorable Louis A. Kaplan, 500 Pearl Street, Room 2240, and to my chambers, 500 Pearl Street, Room 1370. Any requests for an extension of time for filing objections must be directed to Judge Kaplan (with a courtesy copy to my chambers). Failure to file objections will result in a waiver of those objections for purposes of appeal. Thomas v. Arn, 474 U.S. 140, 106 S. Ct. 466 (1985); Ingram v. Herrick, 475 F. App'x 793, 793 (2d Cir. 2012); IUE AFL-CIO Pension Fund v. Herrmann, 9 F.3d 1049, 1054 (2d Cir. 1993), cert. denied, 513 U.S. 822, 115 S. Ct. 86 (1994); Frank v. Johnson, 968 F.2d 298, 300 (2d Cir.), cert. denied, 506 U.S. 1038, 113 S. Ct. 825 (1992); Small v. Sec'y of Health & Human Servs., 892 F.2d 15, 16 (2d Cir. 1989); Wesolek v. Canadair Ltd., 838 F.2d 55, 57-59 (2d Cir. 1988); McCarthy v. Manson, 714 F.2d 234, 237-38 (2d Cir. 1983).

SO ORDERED.

Dated: New York, New York  
March 2, 2016



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**Andrew J. Peck**  
United States Magistrate Judge

Copies to: All Counsel (ECF)  
Victor & Justin Treadwell (reg. & cert. mail)  
Judge Kaplan